



Samuel J. Wellborn  
Associate General Counsel

Duke Energy  
1201 Main Street  
Suite 1180  
Columbia, SC 29201

O: 803.988.7130  
F: 803.988.7123

sam.wellborn@duke-energy.com

October 29, 2021

**VIA ELECTRONIC FILING**

The Honorable Jocelyn G. Boyd  
Chief Clerk/Executive Director  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, SC 29210

**Re: Applications of Duke Energy Progress, LLC and Duke Energy Carolinas, LLC  
for Approval of Smart Saver Solar as Energy Efficiency Program  
Docket Numbers: 2021-143-E & 2021-144-E**

**Objection and Response to Comments of the South Carolina Department of  
Consumer Affairs**

Dear Ms. Boyd:

I am filing this letter on behalf of Duke Energy Carolinas, LLC ("DEC") and Duke Energy Progress, LLC ("DEP") (together, the "Companies") to object and respond to the comments (the "Comments") filed by the South Carolina Department of Consumer Affairs (the "DCA") on October 22, 2021. The DCA has not propounded any discovery in these proceedings, did not attend any of the EE/DSM Collaborative meetings at which the proposed programs were discussed, and appears to have formed its conclusory opinions by blindly adopting the views of the Office of Regulatory Staff ("ORS"). For these reasons, the DCA's letter should be afforded no weight by the Commission.

The DCA did not attend or participate in the multiple EE/DSM Collaborative meetings during which the programs were discussed with a variety of stakeholders; did not serve any discovery upon the Companies; and does not appear to have performed any independent analysis of the Companies' proposal. The DCA simply regurgitates the positions of the ORS, positions that the Companies have disproven through testimony properly pre-filed in these proceedings. For example:

- Companies' Witnesses Powers, Duff and Huber explain that the proposed programs consist not only of a rooftop solar component, but also other requirements and features that collectively fall under S.C. Code Ann. § 58-37-20 as part of a comprehensive EE/DSM program (i.e., all-electric service requirement; 25-year participation in the

The Honorable Jocelyn G. Boyd

October 29, 2021

Page 2

Bring Your Own Thermostat demand response program; compliance with evaluation, measurement, and verification requirements), whether or not one considers rooftop solar itself to be an energy efficiency measure;

- Companies' Witness Huber explains the Companies' efforts to comply with South Carolina law and this Commission's express recognition that self-consumption of behind-the-meter generation "shall be treated as energy efficiency or demand-side management" (Order No. 2021-569 at 52, Docket No. 2019-182-E (Aug. 19, 2021));
- Companies' Witness Duff explains—based on established measures and tests—how the proposed programs would permit the Companies to avoid costs, resulting in less costs borne by customers than if the programs were not approved.

The Companies also strenuously object to the baseless link drawn by the DCA between certain "solar scam" complaints the DCA very recently promulgated regulations about and the Companies' proposed programs. By baselessly linking these complaints to the Companies' proposed programs, the DCA introduces an unfair and baseless bias against the proposal and conflates the programs proposed in these proceedings with improper sales and marketing tactics of a narrow and unrelated group of solar installers. The Companies take seriously the responsibility to provide accurate information to customers during the solar installation process. The Companies utilize a network of certified solar trade professionals who are held to very high standards, and the Companies will ensure that accurate estimates of savings are communicated to customers. Moreover, the Companies conducted robust cost-effectiveness analyses in these proceedings to support their evaluation of savings that will accrue to all customers. Further, customer savings under the programs will be validated through third-party evaluation, measurement, and verification—which would, in turn, inform the Companies' cost recovery. These are robust, tested, objective techniques that warrant no comparison to the DCA's concern about "solar scammers."

The Companies' application and testimony submitted in these proceedings were submitted in accordance with the Commission-established procedural schedule and were based on detailed, objective, data-driven analyses. The results and underlying methodologies of these analyses have been provided and explained to the Commission and the actual parties of record in a transparent manner, and were discussed with stakeholders through the EE/DSM Collaborative. The DCA has not propounded any discovery, did not attend or participate in the EE/DSM Collaborative meetings discussing the proposed programs, did not even bother to intervene in these proceedings, and appears to have blindly adopted the positions of the ORS. Accordingly, the DCA's comments should be completely disregarded by the Commission.

Kind regards,



Sam Wellborn

The Honorable Jocelyn G. Boyd

October 29, 2021

Page 3

cc: Carri Grube-Lybarker, Administrator/Consumer Advocate (via electronic mail)  
Roger Hall, Deputy Consumer Advocate (via electronic mail)  
Parties of record (via electronic mail)  
David Butler, Chief Hearing Officer (via electronic mail)